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**Attorneys for Defendant
MIRANT CALIFORNIA, LLC**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FRANK RAYMONDE.

Plaintiff,

V.

MIRANT CALIFORNIA, LLC, and Does 1 through 20, inclusive,

Defendants

Case No.: C 08-03733 WHA

**STIPULATION AND {PROPOSED}
ORDER CONTINUING DISCOVERY
CUT-OFF DATES**

Complaint Filed: May 20, 2008
Trial Date: November 30, 2009

Due to the need on the part of the Parties to extend the time for completion of discovery so as to insure the full preparation for trial, and the retention of appropriate expert witnesses, the Parties, by and through their counsel, hereby stipulate to a forty-five (45) day extension of the discovery deadlines set forth below.

In particular, the Parties agree that a continuance of the discovery deadlines is necessary and appropriate due to the lengthy illness of Defendant's lead counsel, Steve Likens, and the resulting conflicts with the trial schedule of Plaintiff's counsel. Mr. Likens was admitted to a

1 hospital in New Orleans on February 18, 2009, while traveling on business. After returning to
 2 his home in Senatobia, Mississippi, the following week, he remained under his doctor's care
 3 and off work for several weeks. Then, on March 13, 2009, he was admitted to Baptist
 4 Memorial Hospital-DeSoto in Southaven, Mississippi, for further treatment. There, he
 5 underwent two lung surgeries and remained in the hospital until March 31, 2009, after which he
 6 remained off work and restricted from driving. His doctors released him to return to work on
 7 May 1, but continue to restrict him from lifting and traveling for four more weeks. Mr. Likens
 8 will take the deposition of Plaintiff, defend the depositions of any of Defendant's management
 9 employees, and will attend any other depositions scheduled in this case. Further, Plaintiff's
 10 counsel, Daniel Bacon, is starting trial against the San Francisco Zoo this month, and has trials
 11 scheduled in June and July, as well.

12 IT IS HEREBY AGREED AND STIPULATED by and between the parties, through
 13 their respective counsel, that the relevant discovery deadlines be continued for 45 days, as
 14 follows:

15

| <u>Event</u> | <u>Present Schedule</u> | <u>Continued Schedule</u> |
|--|-------------------------|---------------------------|
| Non-expert discovery cut-off | July 31, 2009 | September 14, 2009 |
| Expert witness disclosure | July 31, 2009 | September 14, 2009 |
| 19 | | |
| 20 The deadlines for disclosing responsive expert testimony and reply expert testimony, as well as 21 the deadlines for completion of expert discovery and for service of the list of issues for expert 22 testimony shall be calculated from the continued dates. | | |

23

24 The other deadlines set forth in the Case Management Order and Reference to ADR
 25 Unit for Mediation filed November 21, 2008, shall remain in place.

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1 IT IS SO STIPULATED:

2 Dated: May _____, 2009

LAW OFFICES OF DANIEL RAY BACON

3
4 By: _____
5 DANIEL RAY BACON
6 Attorneys for Plaintiff Frank Raymonde

7 Dated: May 7, 2009

FISHER & PHILLIPS LLP

8
9 By: /s/ Jennifer K. Achtert _____
10 JENNIFER ACHTERT
11 Attorneys for Defendant Mirant California, LLC

12
13 **ORDER**

14 Based on the stipulation of the parties, it is hereby ORDERED that the scheduled dates
15 regarding discovery are continued as follows:

| 16 Event | 17 Present Schedule | 18 Continued Schedule |
|---------------------------------|---------------------|-----------------------|
| 17 Non-expert discovery cut-off | July 31, 2009 | September 14, 2009 |
| 18 Expert witness disclosure | July 31, 2009 | September 14, 2009 |

19
20 The deadlines for disclosing responsive expert testimony and reply expert testimony, as
21 well as the deadlines for completion of expert discovery and for service of the list of issues for
22 expert testimony shall be calculated from the continued dates.

23 The other deadlines set forth in the Case Management Order and Reference to ADR
24 Unit for Mediation filed November 21, 2008, shall remain in place.

25
26 Dated: May 13, 2009

27 Hon. William H.
28 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

